App F IX 4

Previous References

1942 Municipal File No 45-44
Serial Nos 1, 2

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two 12

Part B for Dec 44

SUBJECT

Election of Mr T Ramiah as Vice President of the Bangalore Municipal Council

The Comptroller & A G

Letter dated 5 12 44

Notices

m 6/3

TL 45-44

924

No D3-C 298/44-45 Office of the Deputy Commissioner,
Mysore District
Dated, Mysore the 5th August 1944

From

C M H Ranajodha Singh, Esq , B A ,
Deputy Commissioner, Mysore District

To

C Narayanaswami Naidu Esq , B A B L ,
Legal Remembrancer and Secretary to Government of
Mysore, Law Department, Bangalore

Sir,

Subject - Election of Vice President to Bannur Minor Municipal Council

- - -

I have the honour to forward herewith a copy of letter No M C 23 of 44-45 dated 29-7-1944 received from the President, Minor Municipal Council, Bannur T Narasipur Taluk on the above subject, and to state that the Amildar President conducted the Election of Vice President to the Bannur Minor Municipal Council on 29-7-1944 when 13 Municipal Councillors were present Two persons viz , Messrs T Ramiah and G, Thimmiah stood as candidates for the office of the Vice President The votes secured by the both candidates are noted below -

1	Mr	T	Ramaiah	7
2	Mr	G	Thimmiah	6

The Municipal Council thereupon declared Mr T Ramiah who secured the highest number of votes as duly elected as Vice President to the Municipal Council A copy of the resolution of the Municipal Council is herein enclosed

I request that under Rule 11 of the Election Rules the name of the Elected Candidate Mr T Ramiah may kindly be caused to be published in the Official Gazette

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Mysore District

1) Subject with a draft notification for approval 6/ 8/8.

2) Law dept

3) Library to approve 10 8 44

4) 16 8 44

5)

OFFICE OF THE MINISTER FOR L S G & P H
Dat 10 8 44
No. 1104

OFFICE OF THE DEPUTY COMMISSIONER
MYSORE DISTRICT

No D3-C 298/44-45
Encl

Dated Mysore the 19th August *194*4

FROM

C M H Ranajodha Singh, Esq , B A ,
Deputy Commissioner Mysore District

1428
26 AUG 1944
L S G BRANCH
MYSORE

To

C Narayanaswami Naidu, Esq , B A ,B L ,
Legal Remembrancer and Secretary to Government of Mysore,
Law Department, *BANGALORE*

SIR

Subject:- Objection Petition against the Election of Vice Preisident to Bannur Miner Municipal Council

In continuation of this office letter of even No dated 1st August 1944 forwarding the resolution of the Bannur Miner Municipal Council together with a report as to the result of election of the Vice President to the Municipal Council, I have the honour to state that an objection petition signed by three Councillors has since been received in this office It is prayed therein that the election may be set aside for certain reasons The petition has been forwarded to the Sub-Division Officer, Nanjangud for detailed enquiry and report Soon after his report is received, I am sending my further report in the matter

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Mysore District

6) Notification approving the election for Ramiah was not issued in view of the above report subsequently received from the D C Hyma further report will be awaited in the matter subsequently with reference to para 5 supra
26/8

7) There has been considerable delay in the Dy Cs office in sending up the above report If it had not been received today, the note approving the election of Mr P. Ramiah would have issued A letter dated 24 8 44 has been received in the office on 26 8 44 This is very unsatisfactory This will be

brought to the notice of the D.C

8) The approved notes will not therefore issue in these cases

for perusal

Land Secy for 26/8/44

9) May be delayed

31-8-44

OFFICE OF THE MINISTER FOR L S G & P H
Date 9 9 44
No 1729

Thanks yes for

11) Mrs [illegible] first leave

leave begins on the afternoon of the D.C. proposes on evening

of 11 9 44 Cus 12-9-44

12) Asst Collector

13) A draft letter to Jubbs for appl

Mrs 13/9 Land Secy for

SECY LA 1 9 44

14) Cus 13 9 44

15)

To, the D.C. Nyeri at-

L 44 of 4-10-44

Makes certain observations

GEN & R

Govt A

Mrs 9/10

Continuation Sheet No. 3188 L — File No / Current No — Page

1426 Election of V p to the Banner Town and rel C

From the D C Tyruvadi
No D3 C 298/44 & 8/11/44
dated 2nd Dec a report in the matter

1) one M of Thummah and two other rel communities of the Banner plaintiff community submitted a representation to the D C Tyruvadi complaining that [illegible] claim [illegible] T C Rakkiah was illegally [illegible] the [illegible] and [illegible] results referred to in the petition [illegible] of us

2) other S and C of Nanjampet who conducted the campaign with [illegible] dealt with ballot papers raised in the [illegible] and the report is subject [illegible]

3) it is accepted that [illegible] the election [illegible] and in the [illegible] the election [illegible] T C Ramakrishna [illegible] the [illegible] [illegible] and [illegible] 4) subject to the petitioners complaints 5 and [illegible] (which does not [illegible]) [illegible] the [illegible] [illegible] remarks [illegible] the [illegible] [illegible] petition [illegible] Enquiry Officer [illegible]

SECY LAW DEPT 3881 11 NOV 1944 GOVT OF INDORE

WD 0726—GPB—75 000—10 9 44

Law Secy for
4) 1371.

C F 69] 5

Cont nuation Sheet | File No / Current No 3188/L of | Page

3820/44 P

Q. Draft opinion in the matter of Bombay Municipal Corporation Law section 15/11/44

No 21 dt 15-11-44

Submitted

23 This is a case when the validity of the election of the Vice President, Bannur Municipal Council is contested under Rule 11 of the Rules under the Mysore Municipalities Act 1933.

24 The petitioners allegations are in brief as follows - 1 that the calendar of events was not properly published 2 that there was no time to hear objections to nominations 3 that the names of the approved candidates was not published on 24.7.44 4 that the respondent used his influence as vice-president and thus violated the whole proceedings.

25 Kind ref is invited to the objection petition (Ex A) and the report of the S D O on enquiry (Ex X) Regarding the first objection, it will be seen that no regular form of presented of calendar of events is prescribed under Rule 1 However the omission in the calendar (Ex D) was rectified by a memo (6) fixing the hour of the election at 3 P M, which memo was intimated to the councillors This does not appear to be a material irregularity so as to invalidate the proceedings but can be covered and but are an irregularity rectified in due time and curable under S 22 cl (2) of the Mysore Municipalities Act

3 16/11/44 5 20 Pm

- As the second objection also does not appear to be a material irregularity, as time was allowed extended by a day to file the objections as per memo flagged (M) Kindly ref is marked to the memo (Fg N) d 24 7 11 publishing the names of approved candidates no objections were received the petitioners complaint before the D C d 30 7 11 (Fg M1) states that some names of candidates were not published on 19 7 11 as per calendar and no objections could be filed But it will be seen from the memo d 19 7 11 (Fg M) & K that names were published on 19 7 11 and time was extended by a day to file the objections Thus it appears the objection is not tenable

Re the third objection that names of approved candidates were not published on 24 7 11 Kindly ref is marked to the memo of 24 7 11 flagged (N) publishing the names of the approved candidates

Re the fourth objection that the respondent used his influence as vice president Kindly ref is marked to the letter of Mr Ramiah the respondent handing over charge of V P on 30-6-11 (Fg Q1) and the President handed over the seals to him as per administration convenience and expediency The respondent ceased to be the V P from 30 6 11 and as it cannot be contended that he used his influence as V P till the date of election ie 29 7 11 Kindly ref is marked to the D C's remarks of the D C on (Fg L) on the report of the S D O

Election of V P to Bannur Mma Municipal Council

Continuation Sheet | File No / Current No 3820 | of | Page

30) It appears, thus, that no evidence except the complaint by the petitioner both before the D C on 20-7-44 (Fg H1), the petitioner has produced no evidence to prove his case and that the signatures mentioned in the petition (Fg Q) and thereafter, and if at all irregularities entailing under s 22 (2) of the Mma Municipalities Act. 'Submitted whether under the circumstances the election is void' ref to para 20 of the note supra.

31) Rule ref in marked to the proceedings of the meeting dated 29-7-44 and the President's report thereon (Fg P) It is well known from that the independent got 7 votes and the first petitioner got 6 votes. Submitted for orders ref to para 20 of the note supra.

32) I agree with the views expressed in the above notes. The validity of the election is beyond question

33) Can 27 Nov

Law Secy

34)

Asst Secy (L S Gr.)

In the circs, the nomination already approved but to note the petitioner who will be appointed, if approved

Law Secy

28/11/44

May issue as the election is valid

Can 26 Nov

Rule 99 No L5 43 dated 5/12/44 issued

29 Nov

30 Nov

5/12 NV Cancels the election

LAW DEPT 2,437 GOVT OF MYSORE

SECT - V DEPT 432 GOVT OF MYSORE

vide paras 3 & 4 of the notification

THE STATE FISC & PH 28 11 44 No 6266

(6)

M 44. "D
4-10-44

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

To,

The D e Typewriter

Sir,

With reference to the correspondence ending with your letter No D 3-e 298/44 dt 19-8-44 ~~5-9-44~~ I am directed to state that there has been considerable delay in your office in sending up that letter dt 19-8-44 which has been received here on 26/8/44. I am to observe that this is not the first time that such delay has occurred in your office in sending the papers. I am to request that steps may be taken to avoid such delay in future.

WD 0565—GPB—22 500—8/11 38

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3188
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OFFICE OF THE DEPUTY COMMISSIONER
MYSORE DISTRICT

No D3-C 298/41-45
Encl

Dated Mysore the 8th November 194 4

FROM

C M H Ranajodha Singh, Esqr , B A ,
~~K SUBBARAO, I.A.S.~~
Deputy Commissioner Mysore District
MYSORE

GEN & L S G BRANCH

SECY LAW DEPT To 11 NOV 1944 GOVT OF MYSORE

C Narayanaswami Naidu, Esqr , B A ,B L ,
Legal Remembrancer and
Secretary to the Government of Mysore
Law Department, *BANGALORE*

SIR

Subject - Objection petition of Mr G Thimmiah and two others contesting that validity of election of Vice President of Bannur Minor Municipal Council

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With reference to correspondence ending with your letter No L D 44 dated 4-10-1944 on the above subject, I have the honour to forward herewith a copy of the report of enquiry, on the objection petition of Mr G Thimmiah and two others, conducted by the Sub Division Officer, Nanjangud, which was received with his D O letter No P C 13 of 44-45 dated 18th October 1944 and to state as follows -

The report of the Sub Division Officer deals in detail with all the objections raised by the petitioners I generally concur with the opinion expressed by the Sub Division Officer but wish to add on one or two points

1 The ~~election~~ rules do not require that the hour for receiving the nomination papers should be specified in the calendar of events In fact no regular calendar of events need be published for the election of Vice Presidents Under rule 1 of election rules election shall take place at a meeting to be held within certain specified date and that 10 days notice thereof should be given and under rule 4 the names of candidates have to be published five days before the date fixed for the election In the present case all these conditions have been complied with The Amildar President did perhaps insert time for receiving the nomination paper in the calendar as an extra precautionery measure This act should not be taken advantage of to find fault with the election proceedings The calendar of events which in fact was the notice of the special meeting had to be circulated atleast 10 days before the date of the special meeting and the same was issued on 5-7-44 and served on the members The President perhaps thought that the specification of the hour of the meeting was not called for at such an early date of the notice, since the hour has always to be fixed according to the convenience of members The hour of the meeting was however notified on 22-7-1944 and this notice was duly served on the members including the petitioners This does not in my opinion vitiate the election proceedings

2 As regards the allegation that the Amildar President allowed Mr T Ramiah to continue to act a Vice President even after the reconstitution of the Municipal Council, it is seen from the report of the Sub Division Officer that Mr T Ramiya did not continue as Vice President, but the President had enlisted his co-operation as a Municipal Councillor for purposes of supervision of Octroi collection and office work to facilitate work The action of the Amildar though injudicious does not in my opinion ~~dis~~ qualify Mr T Ramiya under the rules to be elected as Vice President in as much as Mr T Ramiya has not exercised any statutory powers

It is noteworthy that the petitioners who attend the election meeting and who did not raise any objections at the time of the election have thought it fit to attack the stage of the election proceedings from beginning to the end, only after Mr. [illegible] was defeated.

In these circumstances I agree with the Sub Division Officer that the election held is not tainted with any illegality or corrupt practices and that one or two irregularities or informalities which have resulted in no substantial injury to any person may be condoned. I recommend that the election of Rajaiya as Vice President may be approved.

The entire records accompany.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Mysore District

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. L-5-439-ML-45-44-2 *Dated Bangalore* 5-12 Dec 194 4.

NOTIFICATION

Under section 10(4) of the Mysore Minor Municipalities Act, 1933, Mr. T. Ramiah is elected as the Vice-President of the Bannur Minor Municipal Council, T. Narsipur taluk, Mysore District.

By Order,

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette for publication in Part III-3 of Gazette and supply of ten extra copies thereof to the Secretariat and to the Deputy Commissioner of the Mysore District.

Agr/12.

L-5239 — 5/8/44

(3) AD (L 1874/44 2/8/44

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore

NOTIFICATION

Under ~~Section 23 (4) of the Mysore~~ Section 10 (4) of the Mysore ~~Town Municipalities Act 1933~~ Minor Municipalities Act 1933

Mr T Ramiah is elected as the Vice President of the ~~Town Municipal Council~~ Bannur Minor Municipal Council, District of Mysore

By Order

Secretary to Government
Law Department

To—The Compiler Mysore Gazette for publication in Part III-3 of Gazette and supply of ten copies thereof to the Secretariat and to the Deputy Commissioner of the ~~Concerned~~ District of Mysore

MEMO NO L 5-440 ~~L 1825-26/8/44~~ 5/8/44.

Copy of the above is forwarded with compliments to the Deputy Commissioner of Mysore District for information with reference to his letter No D3 C 298/44 dated 5—8—1944

The records accompany

By Order

For Secretary to Government,
Law Department